

## SECTION 00 91 13

### ADDENDUM NO. 3

This Addendum modifies, amends, and supplements designated parts of the Bidding Documents and are hereby made a part thereof by reference. It shall be the responsibility of each Bidder to be familiar with the contents of this addendum and to notify, if necessary any Subcontractors and Suppliers they propose to use for various parts of the services of any changes or modifications contained in this Addendum. No claims for compensation, due to lack of knowledge of the contents hereof, will be considered. Bidders must acknowledge receipt of this Addendum in the Bid Form and comply with the requirements for submission of Bids as set forth in the Bidding Documents.

**NOTICE is hereby given that the Bidding Documents have been modified and replacement pages are issued herewith.**

### SPECIFICATIONS

- Delete Section 00 43 37 Proposed Supplier Forms entirely.
- Delete Section 00 43 93 General Bid Submittal Checklist entirely and replace with Section 00 43 93A3 General Bid Submittal Checklist in **Attachment 1**.
- Delete Section 00 43 93.01 Sub-Bid Submittal Checklist entirely and replace with Section 00 43 93.01A3 Sub-Bid Submittal Checklist in **Attachment 1**.
- Delete Section 00 45 05.01 Sub-Bidders Representations and Certifications entirely and replace with Section 00 45 05.01A3 Sub-Bidders Representations and Certifications entirely in **Attachment 1**.
- Specification replacement pages identified in the following table are included as an attachment to this Addendum (Addendum No. 3), have an Issue Date of October 28, 2014 and contain reference to "ADDENDUM NO. 3" in the footers. Text changes are identified by double-underline for additions and ~~strikeout~~ for deletions.

Replacement pages (with text changes)	Provided for purposes of double-sided printing only - no changes (front or back of replacement page)
00 01 10-1	00 01 10-2
26 05 00-2	26 05 00-1

This Addendum is provided to Bidders in a single Portable Document Format (.PDF) posted on the City's website and will be available for examination at the Issuing Office. It is each Bidder's responsibility to check the website for Addenda per the Instructions to Bidders.

Bidders must comply with the requirements for submission of Bids in the Instructions to Bidders and the Bidding Documents remain unchanged except as indicated above.

**Prepared and Issued by Woodard & Curran (Engineer) on behalf of:**  
*City of Marlborough, MA (Owner)*  
*Department of Public Works*

**END OF SECTION**

**ATTACHMENT 1**

**SPECIFICATIONS**

**REPLACEMENT PAGES**

SECTION 00 01 10

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**CONTRACTING REQUIREMENTS (CONTINUED)**

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## SECTION 00 43 93

### GENERAL BID SUBMITTAL CHECKLIST

**General Bidder confirms that the following documents are fully completed, included in and made part of its general Bid.**

- ☐ 00 41 02 Form for General Bid
- ☐ 00 41 02.01 Annex to Form for General Bid
- ☐ 00 43 13 Bid Security Form

**OR**

- ☐ Required Bid security in the form of \_\_\_\_\_
- ☐ 00 43 36 Proposed Subcontractors Form
- ☐ 00 43 40 Information, Schedules and Data
- ☐ 00 45 05 General Bidder's Representations and Certifications including required submittals
  - If a foreign corporation, certificate from the Secretary of State of the Commonwealth of Massachusetts that the corporation has complied with requirements of section 15.03 of subdivision A of Part 15 of chapter 156D and the date of compliance, and further has filed all annual reports required by section 16.22 of subdivision B of Part 16 of said chapter 156.
  - Certificate of Good Standing with respect to all returns due and taxes from the Commonwealth of Massachusetts Department of Revenue.
- ☐ 00 45 19 Non-collusion Affidavit
- ☐ DCAMM Prime/General Certificate of Contractor Eligibility (sample included at the end of Section 00 41 02.01)
- ☐ 00 45 55 DCAMM General Contractor Update Statement
- ☐ 00 45 58 Statement of Intent to Comply with the Department of Environmental Protection's Diesel Retrofit Program
- ☐ One hardcopy, signed original (with original Bid security) of the above has been submitted to the Owner in accordance with Section 00 21 13.

**General Bidder further confirms that if it is deemed one of the lowest responsible and eligible General Bidders, as notified by the Owner, it shall submit documents required by**

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Issue Date: October 28, 2014

Millham WTP Upgrades  
City of Marlborough, MA

and in accordance with Section 00 45 57 by the close of business on the third business day after notification, and such documents submitted shall also be a condition of its Bid.

CONFIRMED BY GENERAL BIDDER ON:
By:
<i>Authorized person per General Bid Form and Annex</i>

**END OF SECTION**

**SECTION 00 43 93.01**

**SUB-BID SUBMITTAL CHECKLIST**

**Sub-Bidder confirms that the following documents are fully completed, included in and made part of its sub-Bid.**

***Check that which applies:***

- ☐ 00 41 03.01 Form for Sub-Bid and Annex – MASONRY
- ☐ 00 41 03.02 Form for Sub-Bid and Annex – PAINTING
- ☐ 00 41 03.03 Form for Sub-Bid and Annex – PLUMBING
- ☐ 00 41 03.04 Form for Sub-Bid and Annex – HVAC
- ☐ 00 41 03.05 Form for Sub-Bid and Annex – ELECTRICAL

**Submitted with each sub-Bid:**

- ☐ 00 43 13 Bid Security Form
- OR
- ☐ Required Bid security in the form of \_\_\_\_\_
- ☐ 00 45 05.01 Sub-Bidder's Representations and Certifications including required submittals:
  - If a foreign corporation, certificate from the Secretary of State of the Commonwealth of Massachusetts that the corporation has complied with requirements of section 15.03 of subdivision A of Part 15 of chapter 156D and the date of compliance, and further has filed all annual reports required by section 16.22 of subdivision B of Part 16 of said chapter 156.
  - Certificate of Good Standing with respect to all returns due and taxes from the Commonwealth of Massachusetts Department of Revenue.
- ☐ 00 45 19 Non-collusion Affidavit

- ☐ DCAMM Filed Sub-Bid Certificate of Contractor Eligibility (sample included at the end of Form for Sub-Bid)
- ☐ 00 45 56 DCAMM Sub-Bidder Update Statement
- ☐ 00 45 58 Statement of Intent to Comply with the Department of Environmental Protection's Diesel Retrofit Program
- ☐ One hardcopy, signed original (with original Bid security) of the above has been submitted to the Owner in accordance with 00 21 13.

CONFIRMED BY SUB-BIDDER ON:
By:
<i>Authorized person per Form for sub-Bid and Annex</i>

**END OF SECTION**



**SECTION 00 45 05.01**

**SUB-BIDDER'S REPRESENTATIONS AND CERTIFICATIONS**

**The undersigned, under the penalties of perjury, certifies and represents the following which is made a condition of the General Bid.**

**1.01 Sub-Bidder's Representations**

- A. Sub-Bidder has examined and carefully studied the Bidding Documents and other related data identified in the Bidding Documents.
- B. Sub-Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Sub-Bidder is familiar with and is satisfied as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Sub-Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site (except Underground Facilities) that have been identified in Section 00 73 10 of the Additional Supplementary Conditions, Paragraph 4.02. as containing reliable "technical data," and (2) reports and drawings of Hazardous Environmental Conditions, if any, at the Site that have been identified in Section 00 73 10 of the Additional Supplementary Conditions, Paragraph 4.06, as containing reliable "technical data."
- E. Sub-Bidder has considered the information known to Sub-Bidder; information and observations obtained from visits to the Site; the Bidding Documents; and the Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Sub-Bidder, including applying the specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents; and (3) Sub-Bidder's safety precautions and programs.
- F. Based on the information and observations referred to in Paragraph E above, Sub-Bidder does not consider that further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of the sub-Bid for performance of the Work at the price(s) bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.
- G. Sub-Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.

- H. Sub-Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Sub-Bidder has discovered in the Bidding Documents, and the written resolution thereof by Engineer is acceptable to Sub-Bidder.
- I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which the Sub-Bid is submitted.

## **1.02 Sub-Bidder's Certifications**

- A. The sub-Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation.
- B. Sub-Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid. Sub-Bidder has not solicited or induced any individual or entity to refrain from bidding.
- C. Sub-Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for a subcontract. For the purposes of this Paragraph:
  - 1. "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process;
  - 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish Bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
  - 3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and
  - 4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of a subcontract.

### 1.03 Sub-Bidder's Certifications Required by Massachusetts General Law

- A. Sub-Bidder has submitted a certificate from the Secretary of State of the Commonwealth of Massachusetts that the corporation has complied with requirements of section 15.03 of subdivision A of Part 15 of Chapter 156D and the date of compliance, and further has filed all annual reports required by section 16.22 of subdivision B of Part 16 of said Chapter 156D if Sub-Bidder is a foreign corporation. Sub-Bidder certifies it will provide such certificate to the Successful General Bidder receiving a Notice of Award if Sub-Bidder is included in that general Bid.
- B. Sub-Bidder certifies under the penalties of perjury, to the best of their knowledge and belief, that all state tax returns have been filed and all State Taxes paid pursuant to M.G.L. c.62C, s49A. Sub-Bidder has submitted a Certificate of Good Standing with respect to all returns due and taxes from the Commonwealth of Massachusetts Department of Revenue certifying Sub-Bidder has complied with all laws relating to taxes, reporting of employees and contractors, and withholding and remitting of child support. Sub-Bidder certifies it will provide such certificate to the Successful General Bidder receiving a Notice of Award if Sub-Bidder is included in that general Bid.
- C. Sub-Bidder certifies that if awarded a subcontract, any Work involving the removal, containment, or encapsulation of asbestos or material containing asbestos will only be performed by a licensed contractor in accordance with MGL Chapter 149, Section 6BA.
- D. Sub-Bidder will comply with the Equal Employment Opportunity/Affirmative Action provisions in Section 00 73 38 of the Contract Documents, and if Sub-Bidder is awarded a subcontract, it shall incorporate these provisions into all subcontracts and Purchase Orders so that such provisions will be binding upon each Subcontractor or Supplier.

### 1.04 Sub-Bidder's Certifications and Representations Required by the EPA State Revolving Fund Program

- A. *Department of Environmental Protection's Diesel Retrofit Program*: Sub-Bidder certifies it has submitted a signed and dated Statement of Intent to Comply form included in Section 00 45 58 as part of its sub-Bid and will comply with detailed requirements included in Section 00 73 10 for required certification after award.
- B. *American Iron and Steel requirements of P.L. 113-76 (the Consolidated Appropriations Act of 2014)*: Sub-Bidder acknowledges to and for the benefit of the Owner and the State that it understands the material and equipment, and services under any resulting Agreement are being funded with monies made available by the Drinking Water State Revolving Fund that have statutory requirements commonly known as "American Iron and Steel;" that requires all of the iron and steel products used in the Project to be produced in the United States

(“American Iron and Steel Requirement”) including iron and steel products provided for the Project. Sub-Bidder hereby represents and warrants to and for the benefit of the Owner and the State that (a) Sub-Bidder has reviewed and understands the American Iron and Steel Requirement, (b) all of the iron and steel products used in the Project will be and/or have been produced in the United States in a manner that complies with the American Iron and Steel Requirement, unless a waiver of the requirement is approved, and (c) Sub-Bidder will provide any further verified information, certification or assurance of compliance with this paragraph, or information necessary to support a waiver of the American Iron and Steel Requirement, as may be requested by Owner.

- C. Sub-Bidder certifies compliance with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled “Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons)” in accordance with the Supplementary Instructions to Bidders.
- D. Sub-Bidder is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed in the Work and further certifies that all employees to be employed at the Work Site will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration at the time the employee begins Work and if Sub-Bidder is awarded a subcontract, shall furnish documentation of successful completion of said course with the first certified payroll report for each employee.
- E. Sub-Bidder will comply with the requirements of the Equal Employment Opportunity, Anti-discrimination, and Affirmative Action Program provisions in the Contract Documents, and if Sub-Bidder is awarded a subcontract, it shall incorporate these provisions into all subcontracts and Purchase Orders so that such provisions will be binding upon each subcontractor or supplier.

CERTIFIED BY SUB-BIDDER ON:
By:
<i>Authorized person per Form for Sub-Bid and Annex</i>

**END OF SECTION**

**SECTION 26 05 00**

**COMMON WORK RESULTS FOR ELECTRICAL  
(FILED SUB-BID REQUIRED)**

**PART 1 – GENERAL**

**1.01 SUMMARY**

A. Sections Includes

1. Provide electrical work in accordance with this section and applicable reference standards listed in Article 1.03.
2. Examine all Drawings and Specifications for requirements that affect the Work of this section.
3. Coordinate the Work of this section with related Work of other trades and cooperate with such trades to assure the steady progress of the Work.
4. The term “Contractor” in this Section(s) and all referenced Drawings and Specifications shall mean the ELECTRICAL Subcontractor except where “general Contractor” is specified.
5. Electrical Work includes, but is not limited to, the following.
  - a. Motor wiring, safety disconnects, and motor starters unless integral with equipment
  - b. Power distribution equipment
  - c. Power outlets and equipment connections
  - d. Wiring devices
  - e. Motor controls and control wiring not provided under other Specifications (other than Division 26 sections of the Specifications)
  - f. Complete grounding system
  - g. Motor control center
  - h. Service entrance work
  - i. Building interior and exterior lighting
  - j. Raceways.
  - k. Support material and hardware for raceway and electrical equipment
  - l. Branch circuit wiring

- m. ~~Furnish only~~Provide manholes, handholes, conduit, and conduit spacers/supports for underground electrical systems for installation by the ~~general~~Electrical Contractor.
- n. Installation and termination of control and signal wiring for instrumentation and process control equipment. Installation and mounting of new control panel hardware and mounting and connection of panels and instruments furnished under Division 40 sections of the Specifications
- o. Building wall, floor and roof penetrations for raceways
- p. Start up, acceptance testing, test reports and instruction of systems operation

## 1.02 PRICE AND PAYMENT PROCEDURES

- A. Measurement and payment requirements: per Division 01 General Requirements.

## 1.03 REFERENCES

- A. Reference Standards
  - 1. National Electrical Code (NEC)
  - 2. Massachusetts Electrical Code (MEC)
  - 3. Underwriters' Laboratories (UL)
  - 4. Institute of Electrical and Electronics Engineers (IEEE C2)
  - 5. American National Standards Institute, Inc. (ANSI)
  - 6. National Fire Protection Association (NFPA)
  - 7. National Electrical Manufacturers Association (NEMA)
  - 8. Insulated Power Cable Engineers Association (IPCEA)
  - 9. Association of Edison Illuminating Companies (AEIC)
  - 10. Occupational Safety Health Act (OSHA)
  - 11. Americans with Disabilities Act (ADA)

## 1.04 ADMINISTRATIVE REQUIREMENTS

- A. Coordination, Sequencing, and Scheduling: per Division 01 General Requirements.

### ADDENDUM NO. 3